

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

ELIZABETH DONATELLO,

Plaintiff,

v.

COUNTY OF NIAGARA,

Defendant.

---

**STIPULATED ORDER OF  
DISMISSAL WITH PREJUDICE**

Civ. No. 15-CV-00039

WHEREAS, the parties agree that there are substantial bona fide disputes regarding liability in this action, including, but not limited to, whether Plaintiff Elizabeth Donatello was subjected to unequal pay on the basis of her gender;

WHEREAS, the parties agree that because of these bona fide disputes, it is fair and reasonable for all of the parties to compromise in order to fully and finally resolve this action;

WHEREAS, the parties have entered into a private settlement agreement that provides the Plaintiff with compensation for her disputed claims, even though Defendant may have no liability for those claims because Donatello was not paid an unequal wage on the basis of her gender;

WHEREAS, Plaintiff's counsel has advised Plaintiff regarding the terms of the private settlement agreement, and Plaintiff understands and freely consents to these terms; and

WHEREAS, no party hereto is an infant or an incompetent person.

IT IS HEREBY ORDERED as follows:

1. Because there are bona fide disputes regarding liability in this action, it is fair and reasonable for the parties to enter into a private settlement agreement that provides the Plaintiff with compensation for the disputed claims, even though Defendant may have no liability for those claims because they did not pay Plaintiff an unequal wage and otherwise complied with Equal Pay Act of 1963, Title VII and the New York Labor Law.

2. This action is hereby dismissed in its entirety with prejudice, without costs, attorneys' fees, penalties, expenses or disbursements to any party as against another.

/s/ Sharon M. Porcellio  
Sharon M. Porcellio, Esq.  
Erin S. Torcello, Esq.  
**BOND, SCHOENECK & KING, PLLC**  
Avant Building – Suite 900  
200 Delaware Avenue  
Buffalo, New York 14202-2107  
Telephone: (716) 416-7000  
E-Mail: sporcellio@bsk.com  
estorcello@bsk.com  
*Attorneys for Defendant*

/s/ Andrew P. Fleming  
Andrew P. Fleming, Esq.  
**CHIAICCHIA & FLEMING, LLP**  
5113 South Park Avenue  
Hamburg, New York 14075  
Tel.: (716) 648-3030  
E-mail: aflem@cf-legal.com  
*Attorneys for Plaintiff*

SO ORDERED.

Dated: May 3, 2017  
Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT COURT